IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 633 OF 2005

IN

WRIT PETITION NO. 1001 OF 1998

S.P. Kamble .. Petitioner

V/s

Board of Trustees of the Mumbai Port Trust & Ors. .. Respondents

Mrs.N. Bhagwat for the Petitioner.

Mr.N.H. Manji i/b Mulla & Mulla, Craigie, Blunt & Caroe for Respondents No.1 to 4.

CORAM : H.L. GOKHALE & S.R. DONGAONKAR, JJ.

DATE : 31ST MARCH 2006

P.C. :

1. Heard Mrs.Bhagwat in support of this motion. Mr.Manji appears for Respondents No.1 to 4. Other Respondents are served. An affidavit of service has been filed.

2. Motion seeks restoration of the petition which came to be dismissed for default on 2nd September 2004. Mrs.Bhagwat has filed her own affidavit explaining the circumstances wherein the order came to be passed. We accept that explanation and allow this motion in terms

of prayer (a).

3. Prayer (b) of the motion seeks restoration of the interim order which was passed on 20th May 1998. That order directed that the promotion of Respondents No.6 and 7 will be subject to final orders in this petition. We are not informed anything by Respondents No.1 to 4 about any further development. That being so, we restore the interim order which was passed on 20th May 1998. Motion stands granted in terms of prayer (b).

4. Main petition will stand restored to the file. To be heard as per its number.

(H.L. GOKHALE, J.)

(S.R. DONGAONKAR, J.)